



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

09/788,387

02/21/2001

Makoto Suzuki

1046.1243 (JDH)

5408

21171

7590

08/22/2008

STAAS & HALSEY LLP

SUITE 700

1201 NEW YORK AVENUE, N.W.

WASHINGTON, DC 20005

EXAMINER

VILLECCO, JOHN M

ART UNIT

PAPER NUMBER

2622

MAIL DATE

DELIVERY MODE

08/22/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 09/788,387	Applicant(s) SUZUKI ET AL.	
	Examiner JOHN M. VILLECCO	Art Unit 2622	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 May 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,5,7,9-12,14,16 and 18-22 is/are pending in the application.
- 4a) Of the above claim(s) 10 and 11 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1,5,7,9,12,14,16 and 19-22 is/are allowed.
- 6) ☒ Claim(s) 18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 February 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments, see page 6, lines 10-30, filed May 5, 2008, with respect to the 101 rejections of claims 7, 9, and 16 have been fully considered and are persuasive. The 35 U.S.C. § 101 rejection of claims 7, 9, and 16 has been withdrawn.
2. Additionally, applicant's amendment has overcome the 112, 1st paragraph rejection of claim 20 in the office action mailed February 4, 2008.
3. Applicant's amendment to independent claims 1, 7, 12, and 16 have overcome the prior art of record.
4. Applicant's arguments filed May 5, 2008 with regard to claim 18 have been fully considered but they are not persuasive. More specifically, applicant argues that Meyn fails to disclose moving a newly added image in a direction between said frames indicated by a user during the displaying and updating a display number of said images based on said moving by the user. Although, the Examiner has formulated a new rejection based on the newly amended claim language, the premise of the previous rejection remains the same. Specifically, Pavely discloses prior art for creating a slideshow from captured images using a camera and Meyn discloses the details of creating a slideshow out of images. Although Meyn does not specifically disclose that the slideshow is created using captured images, Pavely was used to disclose this limitation. Meyn does disclose the ability to display the captured image in frames and to move the image slides to different locations and also, to renumber the moved images. Therefore, when used in combination it would have been obvious to allow the computer in the prior art of Pavely to

Art Unit: 2622

generate the slideshow in a manner similar to Meyn since it provides for an efficient way to customize a slideshow presentation. See column 18, lines 6-9.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. **Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Pavely et al. (U.S. Patent No. 6,317,141) in view of Meyn et al. (U.S. Patent No. 5,859,623).**

7. Regarding *claim 18*, Pavely discloses prior art in which a user captures images using a camera. The images captured by the camera are then downloaded to a computer in order to generate a slideshow. Inherently, the images captured by the camera would be captured responsive to a photographing instruction. See column 2, lines 12-22.

Pavely, however, fails to disclose the details of the creation of the slideshow in the computer and specifically, the displaying the images in frames or moving the images in a direction between frames indicated by a user and updating a display number of the images based on the moving by the user. Meyn, on the other hand, discloses a computer system which displays images in frames and allows a user to rearrange the order of the image and renumbering the images after rearranging them. More specifically, as shown in Figures 5-6 and column 16, lines 12-50, Meyn discloses that the separate images, displayed as frames, can be moved using the move button (5). After moving the image slides to the desired position, the slides are

Art Unit: 2622

renumbered. Such an arrangement allows for an efficient way to customize a slideshow presentation. See column 18, lines 6-9. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to allow the computer in the prior art of Pavely to generate the slideshow in a manner similar to Meyn since it provides for an efficient way to customize a slideshow presentation.

Allowable Subject Matter

8. Claims 1, 5, 7, 9, 12, 14, 16, and 19-22 allowed.
9. The following is an examiner's statement of reasons for allowance:

Regarding claims 1, 7, 12, and 16, the primary reason for allowance is that the prior art fails to teach or reasonably suggest a display unit displaying a screen configured by a first display area displaying an image from an image acquisition device and a second display area displaying a sequence of images, wherein the screen includes a number display area displaying a number of the generated image data, and wherein the image photographing system comprises a renumbering unit renumbering the number of the generated image data responsive to an operation command relocating an order within the sequence of images.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Art Unit: 2622

Conclusion

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JOHN M. VILLECCO whose telephone number is (571)272-7319. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sinh Tran can be reached on (571) 272-7564. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2622

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/JOHN M. VILLECCO/
Primary Examiner, Art Unit 2622
August 19, 2008